

REMARKS

Claims 16-19 and 22-26 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,890,102 in view of Boyn. Applicant disagrees with the Office Action's assertion that the claims of the present application are not patentably distinct from the claims of the '102 patent. To further prosecution, however, a terminal disclaimer is submitted concurrently herewith. Therefore, Applicant respectfully requests the withdrawal of this rejection.

Claims 16-19 and 22-26 are rejected under 35 U.S.C. § 103 as being unpatentable over Springer in view of Boyn, Romer and admitted prior art. Reconsideration is respectfully requested. Springer, Boyn and Romer, even when considered together, fail to suggest the outwardly facing surface recited in claims 16-19 and 22-26. According to the pending claims, the "entire outwardly facing surface of said gift bag is completely formed from a napped filamentary material" and "at least partially into the interior portion." There is nothing in the references to suggest it would have been obvious to cover the entire outward facing surface and at least part of the interior portion of the Springer bag with napped filamentary material. Consequently, the rejection of claims 16-19 and 22-26 should be withdrawn.

The Office Action contends that the mere duplication of essential parts might be considered obvious, regardless of any other showing in the prior art. Without conceding the merits of such contention, Applicant notes it is not applicable to the present situation. The differences between the claimed invention and Springer modified in view of Boyn and Romer represent more than the mere duplication of parts. Even if the Springer gift bag 93 (Fig. 5) were somehow provided with a second face 91, 111, for example, on the back panel 97, the bag 93 would still not have its "entire outwardly facing surface . . . completely formed from a napped filamentary material," much less at least part of the interior portion."

The Office Action contends that forming the entire outward surface of a gift bag with napped filamentary material is made obvious by Roemer. Roemer, however, teaches a process for making a paper gift bag out of decorative paper. Roemer is entirely silent about a gift bag having any napped filamentary material. The combination of Springer and Roemer would

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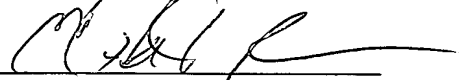
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merely yield a paper gift bag with a plush material affixed to a panel, as shown in Springer's FIG. 5. For at least these reasons, withdrawal of this rejection is respectfully requested.

Allowance of the present application with claims 16-19 and 22-26 is solicited.

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Respectfully submitted,

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